

Iowa County / Teamsters 238 (Roads)

IN RE FACT-FINDING BETWEEN:

2002-2003  
CEO 669  
SECTOR 2

IOWA COUNTY

and

INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL #238

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IOWA COUNTY EMPLOYMENT  
RELATIONS BOARD

CEO 669 SECTOR 2

ROAD UNIT

JEFFREY W. JACOBS

ARBITRATOR

June 13, 2003

IN RE FACT-FINDING BETWEEN:

Iowa County,

and

Teamsters Local #238, Road unit.

RECOMMENDATION OF FACT-FINDER  
CEO 669 SECTOR 2

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PUBLIC EMPLOYMENT  
RELATIONS BOARD

**APPEARANCES:**

**FOR THE UNION:**

Nathan Eisenberg, attorney for the Union  
Dale Walters, Business Representative

**FOR THE COUNTY:**

Bill Sueppel, attorney for the County  
Vince Ehlert, County Engineer

**PRELIMINARY STATEMENT**

The hearing in the above matter was held on May 30, 2003 at 9:00 a.m. in the County Offices of Iowa County in Marengo Iowa. The parties presented oral and documentary evidence as well as oral arguments at that time and the record was closed on May 30, 2003.

**ISSUES PRESENTED**

The parties entered into a voluntary impasse procedure that included Fact-Finding pursuant to Iowa Statutes Ch. 20. The undersigned was notified by the Iowa PERB of the selection as Fact-Finder by letter dated April 28, 2003. Wages for the upcoming contract was the only item at impasse before the Fact Finder.

**UNION'S POSITION:**

The Union's requests a 4.0% salary increase across the board for all employees covered by the collective bargaining contract. In support of this position the Union made the following contentions:

1. Comparable counties have settled for wage increases of 3 to 3.5% for those that have settled for 2003. The external comparable counties should be Benton, Tama, Keokuk, Boone and Dallas Counties. Union Opening statement, Union Exhibits 4, 5, 6, 7, 8, 10 & 11. The Union also provided information from Lee County, Union exhibit 9, as well. Based on these wage scales the Union argues that Iowa County Road Unit employees have been at or near the top of the pay scale but that paying them only 2% would drop them from that position. Moreover, the trend has been to pay comparable positions 3 to 3.5%. See e.g. County Exhibit 5. Traditionally, Iowa County has paid up 5% in recent negotiations, County Exhibit 9.

2. The Union also argued that if the County can afford to pay the Engineering Technicians 5% the County can certainly afford to pay 4% to the rest of the unit. The Union countered the County's argument regarding the Techs and argued that in Cedar County where the Techs are paid much higher, that they are required to use CAD drawing Techniques not required in Iowa County. Moreover, the Union argued that the difficulty in attracting Tech's to a level I position is not as bad as the County made this out to be and that one of the reasons for any such difficulty was due to the fact that the County has been offering only 80% of the starting wage. This is allowed under the contract but could certainly be higher. See testimony of Vince Ehlert. The Union pointed out that there is no grave difficulty in retention of Techs and thus no real need to pay them more at the expense of the rest of the bargaining unit.

3. The union argues that a 4% increase across the Board is justified and would maintain Iowa County employees in their relative position with regard to comparable counties. Union Exhibit 4 shows a comparison of the population and road miles maintained by comparable counties. The union argues that the Tech positions are not as low as the County argues nor are the rest of the road unit positions as high as the County argues. Based on this information the Union argued that the road positions should not be granted only a 2% increase because to do so would drop them in relative ranking based on comparable counties and would create the very same conundrum the County argues it now faces with regard to the Tech positions. The Union argues that the 4% across the board increase is justified based on the comparable counties and that the situation is not as dire as asserted by the County with regard to the Tech positions.

### **COUNTY'S POSITION**

The County's position was for a 5% increase in salary for the Engineering Technicians (Techs) and for a 2% increase for all other secondary roads employees covered by the Agreement. In support of this position the County made the following contentions.

1. The County pointed to its Exhibits 1, 2 and 3 and argued that the Tech positions are paid low when compared to comparable counties. The County also argued that the comparable counties were slightly different from those used by the Union. The County agreed that Benton, Tama and Keokuk Counties are comparable but argued that Allamakee, Cedar, Poweshiek and Washington Counties should be used instead of those used by the Union. The rationale for this was that these counties are either contiguous to Iowa County or the employees in their respective road units are represented by unions.

2. The County Engineer provided testimony that it has been having difficulty hiring for Tech I positions and that when ads were placed the response was sparse at best. Moreover, on some occasions, those that have been offered these positions have declined them on the basis that the pay was too low and that they did not wish to take a pay cut to come there. There was however one position where the person did actually take a pay cut but there were extenuating personal circumstances that mitigated in favor of his taking the job.

3. The County also argues that the rest of the road unit positions are actually somewhat high in comparison to other counties. See County Exhibit 6, showing comparable wage rates for Tama, Benton, Allamakee, Cedar Keokuk and Mahaska Counties. While there was not total overlap in positions descriptions, the County argued that the general trend is that Iowa County Road Unit employees are paid slightly higher, with the exception of the Tech positions and that therefore the wage increases do not need to be as great for the rest of the unit.

4. The County also argues that internally, the non-union employees will receive a 1.71% increase. County exhibit 8. The elected officials are also receiving approximately the same increase, i.e. between 1.71 and 2% increases. There is a need to maintain internal consistency by granting the road unit a 2% increase. The sole reason that the Tech's should be given a higher percentage increase is due to their being paid slightly lower than comparable counties as noted above.

5. Finally, the County acknowledged that it has been very generous to its Road Unit employees over the past several rounds of bargaining, see County Exhibit 9, but that current fiscal and budgetary constraints dictate a change in this. The County points to its budgetary situation, County Exhibit 10 and notes that revenue is down and the County therefore needs to keep spending in check. The County acknowledged that it has paid more than this in the past, County Exhibit 9, but that current fiscal constraints would make it difficult for the County to pay these kinds of increases now. Thus while the County recognizes that the Techs' pay is too low, the rest of the employees in the bargaining unit enjoy a relatively high wage when compared to external comparables and should only receive a 2% increase.

## DISCUSSION

The Iowa Public Relations Act does not identify specific criteria by which a fact-finder must make recommendations. Both parties however stated their arguments in terms of the statutory criteria used for interest arbitrations under Iowa Code 20.22. They both pointed to past collective bargaining agreement and history, internal and external comparable data and the public interest, expressed here as the financial constraints faced by the County in support of their various positions. In addition, the County pointed to the difficulty in hiring for the Tech positions arguing that their pay needs to be adjusted. In so doing however, this creates a financial burden which must be addressed in the wages of other County employees.

The parties differed over which counties should be used as comparable to Iowa County. There is no history on this issue here, as this is apparently the first such fact-finding the parties have undertaken. The parties agreed on several of the comparable as noted above and each provided other counties for comparison purposes. The County selected either counties that were contiguous to Iowa County or which had a collectively bargained agreement for its road employees. The union selected counties from around Iowa that it asserted were comparable in size and type.

It should be noted too that there was very little evidence in the way of comparing the actual positions or the job duties of these other counties. Many had different position names for the various positions making it somewhat difficult to make a job-by-job comparison. However, generally both parties' positions had merit in terms of which counties should be used. Certainly contiguous counties, especially here where the nature of the population and the type of road, i.e. rural, or urban, is comparable. Certainly too, there was merit to the Union's argument that some counties from around the state should be used as well. The County recruits for employees from around the State of Iowa so a selection of other counties which have the same character and road type can be used. The County's witness provided very clear testimony when addressing the hiring difficulties for Engineering Tech positions that they seek applicants from more than just the contiguous counties. This of course lends some support to the argument that more than just the contiguous counties should be used.

Here for purposes of the fact finding I will use an amalgam of all of the Counties used by both parties. Certainly an interest arbitrator may need to pare this list down some one way or the other but here it was important to provide as broad a range of wage figures as practicable in order to make a meaningful recommendation.

County Exhibit 5 shows a comparison in some counties of the wage increases given there. Some counties on that list granted increases as high as 3.5% and others only 3.0%. Benton County, which is a much larger county in terms of both road miles and population, increased road unit salaries 2.75% on July 1, 2003 and another 2.0% as of January 1, 2004. Cedar and Poweshiek are not settled having gone to interest arbitration. Their information was not available as of the date of the hearing. The available information showed that these were across the board increases for the entire unit and were not split in the fashion Iowa County proposes. The average increase as of July 1, 2003 for these comparables is 3.15% however as of January 1, 2004, using the second increase for Benton County; the increase is 3.47%.

The Union's exhibits did not show what the percentage increases were in the counties it alleged were comparables, i.e. Keokuk, Lee, Boone or Dallas Counties. It was clear though that Iowa County's positions compare favorably to other comparable counties. Using union Exhibit 4 It is generally true that Iowa County's Equipment Operator, Mechanic, Foreman and laborer positions are at or near the top of the of those pay rates. For example, the Equipment Operator position paid \$15.03 in 2002 and would either pay as of July 1, 2003 \$15.33 if the County's proposal were to be adopted or \$15.63 if the Union's were. Only Dallas County, which encompasses the County of West Des Moines, would be higher than that. The other counties that have such a position are lower.

The Mechanic position shows a very similar result. The 2003 pay in Iowa County for this position would \$15.68 under the County's proposal and \$15.98 under the Union's. Currently this position pays \$15.37 in Iowa County. Dallas is higher but all other counties are below those rates.

For the Working Foremen only Boone County has a comparable position according to the information presented. The summary information on this point was a bit confusing. It showed Iowa County as being significantly below Boone County but the back-up data showed otherwise. The figures for working foreman in Iowa County for July 1, 2002 are \$15.71 while in Boone it is \$15.72. For July 1, 2003 Boone County's working foreman position pays \$16.19. See Union Exhibit 6. The County's proposal would increase it to \$16.02 but the Union's would increase it to \$16.34. Finally, Iowa Counties pay for the worker/laborer position would be the highest of all the Union's comparables.

This analysis was a bit more difficult using the County's comparables since many of them did not have a corresponding job position that lined up directly with those in Iowa County. Allamakee County for example, shown in County Exhibit 6, had several positions that are not on the schedule of jobs in Iowa County, and vice versa for that matter. Those that did though are illustrative. The general laborer position in Allamakee \$12.56 as of July 2003. The Head Mechanic position pays \$15.15. Both are lower than comparable positions in Iowa County.

The net effect of these numbers show that while Iowa County currently pays at or near the top of the pay scale Their relative ranking would drop if the County's proposal of a 2% increase for the bulk of these positions were to be adopted. On the other hand, a 4% increase across the board would be far greater than comparable counties' increases have been.

Internally, the data and other information showed that the non-union and many of the elected positions received increases below 2.0%. The non-unionized employee's received an increase of 1.71%; See County Exhibit 8, while many of the elected positions received increases of that or only slightly more. This evidence certainly supports the County's position regarding internal consistency. However it is noted that there was apparently some sort of a compensation board recommendation referenced in County Exhibit 8 whose recommendations were reduced by the County Board by 43%. There was no evidence on this other than the statement that appears in the document itself. Using that figure though it was apparent that the compensation board made a recommendation which was considerably higher than the 1.71% which was awarded by the County Board. It was not at all clear why this was done or what considerations were taken into account in so doing. It was not completely clear what figure was recommended by the compensation board however extrapolating the figures which are available the recommendation was very likely a 3.0% increase; 3.0% reduced by 43% equals 1.71%. This statement mitigates against the County's position here somewhat.

This of course leads to the discussion of the increase for the Engineering Technician positions. The County asserted that their pay is simply too low and that is becoming a problem to recruit for these positions. There was testimony from the County Engineer that people have had to take pay cuts to come to Iowa County for these jobs and that they are having trouble retaining good people for these position as well for this very reason. The County submitted information at County exhibit 3 showing the disparity in pay between comparable positions in several other counties. Lee County's figures were also used for this purpose with the information from Union Exhibits 4 and 9.

The evidence was clear that currently Iowa County does not have any Engineering Tech III's although there is provision for them. They have two Tech II positions filled and do not have currently any Tech I's although an offer had been extended to a person for that position who had not as of the date of the hearing accepted the job. Currently, Engineering Tech I positions pay \$14.25, Tech II's pay \$15.37 and Tech III's pay \$16.50. Working backwards, it is apparent that the Tech III positions, if there were any, are actually higher paid than any of the comparable positions.

Tech II's pay is higher than Keokuk, at \$14.17 and Mahaska at \$15.08 (Mahaska County was included on County Exhibit 3 for this purpose although there was very little other information discussed about it during the hearing or in the parties' exhibits). Lee County pays between \$13.05 and \$16.14 for its engineering positions. No other information was available regarding how this breaks down or whether Lee County has Tech I, II or III positions that are comparable to those in Iowa County. The evidence thus showed that Iowa County's Tech pay falls in the middle of the range in Lee County.

Tech I pay in Iowa County is certainly at or near the bottom of the range for those types of jobs. Of the 8 Counties for which information about this position is available, i.e. Lee, Allamakee, Cedar, Keokuk, Washington, Mahaska, Poweshiek and Tama, only Keokuk, Mahaska and potentially Lee Counties are lower than Iowa County's rates for this position. There is some evidence that Benton County has an Engineering Aide that pays \$14.40 but it was clear what that position entailed or how comparable it is to a Tech I position in Iowa County. The average pay for this position using the 8 counties listed above and using a figure of \$13.05 from Lee County since it was assumed that the lowest pay corresponded to the lowest position there, is \$14.79. Using Benton County as well the average is \$14.85. The County argues that a 5% adjustment would bring the Tech I's to \$14.96 which is much more competitive with other counties. This of course means that the additional pay must come from a finite pot of resources, which corresponds to a decrease in the pay available for the other positions.

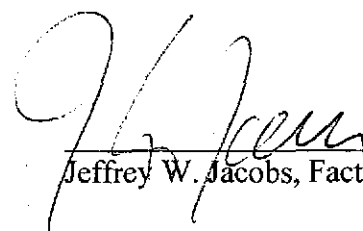
Here the County presented evidence that some adjustment is necessary to make these positions more competitive. However, the Union also showed that the County is currently not offering the full pay rate to potential applicants for the job but is rather offering only 80% of that figure and that this could well be affecting the recruitment issue. On balance while it is clear that some adjustment in salary above and beyond what is offered to the other employees in the unit is appropriate it is not as compelling a case as the County made it out to be. The Tech II positions are not particularly low when compared to other counties. Tech II position pay in Iowa County is actually higher than comparable counties and it was shown that at least part of the problem in recruitment was due to the fact that the county currently offers only 80% of the Tech I pay to start.

The Tech I pay is low when compared to other counties and this should be adjusted for the reasons cited by the County in this matter. However, a 5% adjustment would result in the Tech II and III positions being raised such that they would then be far above the average. A 4% adjustment would be much more appropriate here. Doing this would increase the Tech I pay to \$14.82 and would then compare much more favorably to other counties as noted above. Obviously, if the County finds that there are continuing problems with recruitment or retention some adjustments may be made in the future but no speculation can be made on this at this time.

### RECOMMENDATION

For the reasons set forth above the Recommendation of the Fact Finder is that the Tech positions receive a 4.0% increase and that the remainder of the bargaining unit receive an across the board 3.0% increase for the 2003 contract year.

Dated: June 13, 2003

  
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Jeffrey W. Jacobs, Fact Finder

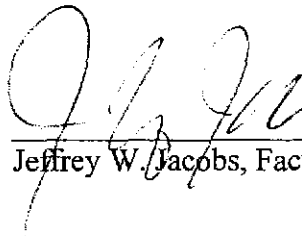
CERTIFICATION OF SERVICE

I certify that on the 13<sup>th</sup> day of June 2003 I served the foregoing fact finding and recommendation report upon each of the parties to this matter by mailing to them a copy at their respective addresses as follows:

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\_\_\_\_\_  
Jeffrey W. Jacobs, Fact-Finder

Sworn to before me this 13<sup>th</sup> day of June 2003

Iowa County and IBT 238

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